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FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 APR 15 AM 11:25

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Docket No. '08 MJ 1151
v.	)	**COMPLAINT FOR VIOLATION OF:**
Miguel Angel ANDALON-Velasquez, Defendant	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 13, 2008** within the Southern District of California, defendant, **Miguel Angel ANDALON-Velasquez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF APRIL, 2008

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Miguel Angel ANDALON-Velasquez

PROBABLE CAUSE STATEMENT

On April 13, 2008, Border Patrol Agents L. Adema and D. Whitten were performing assigned duties near Barrett Junction, California. This area is approximately seven miles west and five miles north of the Tecate, California Port of Entry.

At approximately 7:15 PM, Agents Adema and Whitten responded to a call from Border Patrol Dispatch stating that they had received a citizen's report of a possible illegal alien making walking north towards State Route 94 near the Madre Grande Truck Trail. Agents arrived and found one individual walking north across State Route 94. Agents approached the individual and identified themselves as United States Border Patrol Agents. A gent Adema proceeded to conduct a field interview of the individual later identified as the defendant **Miguel Angel ANDALON-Velasquez**. The defendant stated that he was a citizen and national of Mexico present in the United States without proper immigration documents that would allow him to enter or remain in the United States legally. The defendant was arrested and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 2, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he was going to San Diego, California to work.